

### III. REMARKS

1. Claims 1-9 are pending in this application. Claim 1 is amended.

2. Claims 1-3 and 7-9 are patentable under 35 U.S.C. 103(a) over Tschiderer (US 5,363,998) in view of Ladds (US 4,155,643) and Haydock (US 2,963,761). Claim 1 recites in part, a support plate on which ejected mail items will accumulate where the mail item receiving device is configured to receive the ejected mail items from a folding and inserting machine. These features are not disclosed or suggested by the combination of Tschiderer, Ladds and Haydock.

It is asserted in the office action that the bottom part of the device in Figure 3a of Tschiderer discloses a mail item receiving device for receiving the mail items ejected through an exit slot of a folding and inserting machine. However, Tschiderer only discloses an output tray (20) for receiving fan fold paper (10) from a reproduction apparatus (10). Nowhere in Tschiderer is it disclosed that the reproduction device is a "folding and inserting machine" as recited in Applicant's claim 1. Nor is it disclosed in Tschiderer that the fan fold paper is "ejected mail items" as recited in applicant's claim 1. Tschiderer discloses nothing more than a reproduction apparatus (10) which includes a device (12) for feeding fan fold paper (14) in a manner such that information contained thereon may be copied and nothing more (Col. 2, L. 4-8). Thus, Tschiderer cannot disclose a support plate on which ejected mail items will accumulate where the mail item receiving device is configured to receive the ejected mail items from a folding and inserting machine.

Combining Ladds and Haydock with Tschiderer fails to remedy the above deficiency. Ladds merely discloses a photocopy receiver tray that minimizes mis-stacking and jams (Abstract). Haydock only discloses a clip for use on a tray. There is absolutely no disclosure in Ladds or Haydock of a support plate on which ejected mail items will accumulate where the mail item receiving device is configured to receive the ejected mail items from a folding and inserting machine.

Thus, because Tschiderer, Ladds and Haydock, individually do not disclose or suggest a support plate on which ejected mail items will accumulate where the mail item receiving device is configured to receive the ejected mail items from a folding and inserting machine, their combination cannot as well. Thus, claim 1 is patentable over the combination of Tschiderer, Ladds and Haydock at least for this reason.

Further, claim 1 recites that the rear wall comprises hooking means configured to cooperate with feet of a folding and inserting machine for connecting the receiving device to the folding and inserting machine. Combining the references as suggested by the Examiner would not result in the "hooking means" as recited in claim 1. It is argued in the office action that one skilled in the art would combine the receiver tray (32) in Ladds with the clip of Haydock to modify the "hooking means" of Tschiderer to arrive at the "hooking means" recited in claim 1. The Examiner refers to Figure 1 of Tschiderer as disclosing the rear wall of the tray (20) having "hooking means". However, there is no such feature disclosed in Tschiderer. As can clearly be seen in Figures 3a-3e in Tschiderer, the rear of the tray (20) is flat and does not have any hooks. Moreover, claim 1 recites that the "hooking means" are configured to cooperate with

feet of a folding and inserting machine. Neither, the reproduction device (10) of Tschiderer nor the photocopier of Ladds are disclosed as having any type of feet for the clip of Haydock to engage for holding the receiver tray (32) on the reproduction or copier devices. Thus, when Tschiderer is combined with Ladds and Haydock, they cannot reasonably be considered as disclosing that the "rear wall comprises hooking means configured to cooperate with feet of a folding and inserting machine for connecting the receiving device to the folding and inserting machine" as recited in Applicant's claim 1. Thus, claim 1 is patentable over the combination of Tschiderer, Ladds and Haydock for this additional reason.

Claims 2, 3 and 7-9 are patentable at least by reason of their respective dependencies.

Further, Applicant also reasserts the arguments in its prior response, which are incorporated by reference herein in their entirety. In particular the Examiner's assertion that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to remove the apparatus 42, 40 to reduce the cost of manufacture of the tray" in Tschiderer is based solely on hindsight. As the tray in Tschiderer is specific to fan fold paper (hence the specific tray modifications disclosed therein for receiving and stacking fan fold paper) the main purpose of the invention (i.e. the device 40, 42) would not be ignored or removed by one skilled in the art.

Even if the apparatus (42, 40) of the tray (20) in Tschiderer is removed as suggested by the Examiner the tray (20) is not capable of aligning mail items once they have fallen on the support plate. The tray of Tschiderer is configured so that the fan fold

paper is directed vertically downward into the tray (20). If separate items were directed downward into the tray they would randomly fall into the tray and depending on where they land and how they fall (e.g. bend and twist while falling due to gravity, wind resistance, etc.) some of the items will lean against the walls while others lay flat on the bottom of the tray. There is absolutely nothing in Tschiderer that would cause separate items to be aligned as recited in Applicant's claim 1. This argument also holds true with the apparatus (42, 40) in place.

3. Claim 4 is patentable under 35 U.S.C. 103(a) over Tschiderer in view of Ladds and Yamada (US 6,714,326). For the reasons described above, the combination of Tschiderer and Ladds does not disclose all the features of Applicant's claim 1, from which claim 4 depends. Thus, it is submitted that the combination of Tschiderer, Ladds and Yamada cannot as well. Thus, claim 4 is patentable at least by reason of its dependency.

4. Claim 5 is patentable under 35 U.S.C. 103(a) over Tschiderer in view of Ladds and Firl (US 5,454,553). For the reasons described above, the combination of Tschiderer and Ladds does not disclose all the features of Applicant's claim 1, from which claim 5 depends. Thus, it is submitted that the combination of Tschiderer, Ladds and Firl cannot as well. Thus, claim 5 is patentable at least by reason of its dependency.

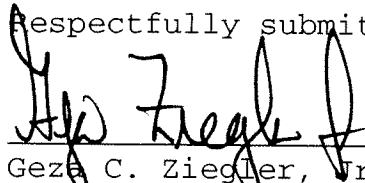
5. Claim 6 is patentable under 35 U.S.C. 103(a) over Tschiderer in view of Ladds and Yamada (JP 8-337349). For the reasons described above, the combination of Tschiderer and Ladds does not disclose all the features of Applicant's claim 1, from which claim 6 depends. Thus, it is submitted that the combination of

Tschiderer, Ladds and Yamada cannot as well. Thus, claim 6 is patentable at least by reason of its dependency.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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